

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America)

v.)

Selso Marcus LOPEZ, III)

Gilberto CARBAJAL)

Case No: 19-3022 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of September 05, 2019 in the county of Grant in the State and District of New Mexico, the defendant violated 8 U.S.C. §1324(a)(1)(A)(ii)(Transporting), an offense described as follows:

knowing or in reckless disregard of the fact that certain aliens, had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

This criminal complaint is based on these facts:

On September 04, 2019, at approximately 1130 PM, a Border Patrol Agent utilizing a Forward Looking Infra-Red (FLIR) RECON III unit observed six subjects approximately one mile south of mile marker 51, Interstate 10 (I-10) Deming, New Mexico. This is a desolate area and is frequently used by illegal alien and narcotic smugglers who seek to further their travel into the interior of the United States undetected.

The six subjects were witnessed entering a vehicle that stopped near mile marker 51 on the westbound lane of I-10. The vehicle then proceeded to drive west on I-10. At that time, agents responded to the vehicle's location and conducted an immigration vehicle stop at mile marker 48 on I-10.

☒ Continued on the attached sheet.



Complainant's signature

Juan M. Urrea, Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: September 6, 2019

City and state: Las Cruces, N.M.



GREGORY J. FOURATT
U.S. MAGISTRATE JUDGE

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

VS


Selso Marcus LOPEZ and Gilberto CARBAJAL

A felony stop on the vehicle was conducted due to prior encounters with aggressive and armed drivers. The agents identified themselves as Border Patrol Agents and questioned the driver as to his citizenship, to which he stated that he was a United States Citizen. When questioned as to the passengers in the vehicle he stated that one was a friend of his. Due to suspicion that the driver and group were involved in an illegal alien smuggling scheme, the agent proceed to advise him of Miranda rights via Government issued Miranda rights field card. The driver, later identified as, Selso Marcus Lopez, stated that he understood his rights and agreed to answer questions without the presence of a lawyer. Through questioning, it was discovered that 5 subjects inside the vehicle were Mexican nationals illegally in the United States, one subject stated she was a Guatemalan national illegally in the United States. The six subjects admitted that they did not possess any legal Immigration documents allowing them to enter or remain in the United States legally.

Selso Marcus Lopez was taken under custody for further questioning to his association in the suspected alien smuggling scheme. The six subjects, the driver and passenger later identified as Gilberto CARBAJAL were taken to the Deming, New Mexico Border Patrol Station for further questioning and processing.

LOPEZ provided the following statement, but not verbatim, regarding the alien smuggling scheme.

Selso Marcus LOPEZ stated that on September 4, 2019, Gilberto CARBAJAL went to his house, and while at LOPEZ' place of residence CARBAJAL received a call from an unknown female offering him a job, transporting illegal aliens to Phoenix, Arizona. LOPEZ stated that CARBAJAL asked him if he would go with him to which LOPEZ agreed. LOPEZ stated that CARBAJAL offered to pay him half of whatever they got paid for transporting the illegal aliens. LOPEZ added that the unknown female instructed them to go to Interstate 10 (I-10) and stop at mile marker 51 westbound. LOPEZ stated that they did as instructed and upon arrival at said mile marker, CARBAJAL told him to stop and turn off the lights. Furthermore, LOPEZ added that when they stopped CARBAJAL opened the passenger's side door, and LOPEZ honked several times. LOPEZ stated that several subjects came out of the brush and boarded his vehicle. LOPEZ added that after all the subjects got in his vehicle they drove off and were subsequently stopped and arrested by Border Patrol. Gilberto CARBAJAL freely admitted to his involvement in the alien smuggling scheme involving the transport of undocumented aliens, illegally in the United States. Gilberto CARBAJAL provided the following statement, though not verbatim, as to his involvement in the alien smuggling scheme.


United States Magistrate Judge
September 6, 2019
Juan M Urrea
Senior Patrol Agent
September 6, 2019

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VS


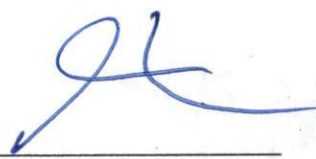
Selso Marcus LOPEZ and Gilberto CARBAJAL

CARBAJAL stated that he does not work and was looking for a way to make some money. CARBAJAL stated that on September 4, 2019, he was at a friend's house, located in Deming, New Mexico and while there, he was contacted by a smuggler to pick up four to five people. CARBAJAL was asked if he knew what kind of people he was going to pick up and CARBAJAL replied, yes. CARBAJAL stated that he was going to pick up illegal aliens. CARBAJAL continued by stating that the smuggler, instructed him to drive west on Interstate 10 to Mile Marker 51. CARBAJAL stated that he asked LOPEZ if he wanted to go with him, which he replied yes. CARBAJAL stated that they entered the vehicle, and drove towards the location. CARBAJAL stated that he was in the front passenger seat and once they arrived at Mile Marker 51, he instructed LOPEZ to turn off the vehicles headlights. CARBAJAL stated that he exited the vehicle, when six subjects appeared from the brush and ran towards his location and all six subjects entered the vehicle. CARBAJAL stated that once all subjects got inside the vehicle, they left the location. CARBAJAL stated that after several miles, they were pulled over and arrested by Border Patrol.

CARBAJAL stated he was offered \$750.00 USD per illegal alien that was successfully transported to Phoenix, Arizona.

No material witnesses are being used in the case.

Assistant USA Kris Jarvis was contacted and approved criminal prosecution under 8 USC 1324 conspiracy to transport on Selso Marcus LOPEZ and Gilberto CARBAJAL.


United States Magistrate Judge
September 6, 2019
Juan M Urrea
Senior Patrol Agent
September 6, 2019